STATE OF WISCONSIN | CIRCUIT COURT FAMILY COURT BRANCH | MILWAUKEE COUNTY

In re the marriage of:

JAN RAZ,

Petitioner,

-and-

MARY BROWN, D.D.S.,

Respondent.

FILED
JUNE 7 1996
GARY J. BARCZAK
CLERK OF CIRCUIT COURT

FINDINGS AND ORDER AMENDING JUDGMENT

Case No. 90-FA-903-638

Date and Place of Hearing: April 23 and 24, 1996
Milwaukee County Courthouse
901 North Ninth Street
Milwaukee, WI 53202

Presiding: Honorable Gary A. Gerlach
Circuit Court Judge, Br. 29

Appearances: Petitioner in person, Pro se
Respondent in person and by her Attorney, Randolph E. House

FINDINGS

1. The petitioner's gross income for 1995 is $108,384.00, which is the baseline upon which calculations should be made or derived under HSS standards.

2. Dr. Brown's income is $114,516.00 for 1995, including capital gains, earned income and dividend income.

3. Both parties are capable of earning more money if they would like.

4. Both parties have between 1 and 1.5 million dollars in assets.

5. The petitioner has expenses of $3,840.00 per month, which includes expenses for the minor children.

6. After adjustment for real estate property taxes which were double counted on her Financial Declaration, the Court finds that Dr. Brown's monthly expenses for herself and the children are $4,920.00; the Court finds nothing extraordinary in her budget.

7. The petitioner's child support obligation is 25% of his gross income, which should be appropriately reduced by 20%, taking into consideration HSS calculations, wherein the petitioner has the shared placement 36% of the time. Application of this formula results in a child support obligation of $1,806.00 per month.

8. After payment of child support, Mr. Raz will have net disposable income of $4,250.00 per month and Dr. Brown will have disposable income of $8,253.00 per month.

9. There is nothing in the record that demonstrates that application of the child support standards and application of HSS 80 is unfair to the children in any respect.

10. There is nothing in the record to show that because mother has more available cash, the children are being influenced or being mislead or alienated from father because mother has more money to spend on them.

11. There is no evidence in this record which indicates any harm to the children because mother has more disposable income.

12. There is nothing in the record to show that father cannot live at a standard which he is used to; the available money after HSS 80 standards are applied is in excess of his budget as set forth on this record.

13. The petitioner has not met his burden to show by the greater way [sic] of the credible evidence that it would be unfair in this case to apply the standards; and the Court is therefore, compelled to follow the Supreme Court per *Luciani*. The court has considered the statutory factors set forth as follows:

(a) The children are well off. They each have substantial funds in their trusts for their educations. They are more than financially taken care of both now and in the future.

(b) Both parents have abundant financial resources.

(c) Maintenance is not involved in this case.

(d) Parties have adequate funds to support themselves over the poverty level.

(e) Children are enjoying the standard of living they would have enjoyed had the marriage not ended.

(f) There are no day care costs.

(g) The father's substantial periods of physical placement have been taken into consideration.

(h) There are no extraordinary travel expenses.

(i) There are no extraordinary physical, mental or emotional needs of the children.

(j) The childrens' educational needs are taken care of.

(k) The tax consequences have been considered pursuant to the Mac Davis calculations, which are part of this record.

(l) Both parties are capable of earning even more income than that which was found by the Court.

The parties stipulated in open court that it was no longer necessary for the wife to take from her child support award of $100.00 per month for each child and set it aside for education purposes.

14. It is fair that each party take one of the minor children for dependency exemptions; the petitioner shall have the youngest child for this purposes [sic]; the respondent shall have the older child for this purpose.

UPON ALL RECORDS, FILES AND PROCEEDINGS HERETOFORE HAD AND TAKEN, AND UPON THE ABOVE FINDINGS;

IT IS ORDERED

1. That the petitioner shall pay to the respondent child support in the amount of $1,806.00 per month commencing April 18, 1995;

2. That the arrearage of record, in the amount of $3,672.00 is based upon the difference between the Order of Commissioner Frinzi entered in May 1995, in the amount of $1,500.00, and this Court's Order of $1,806.00.

3. The arrearages shall be paid through the Clerk of Circuit Court for Milwaukee County forthwith.

4. Pursuant to Stipulation, the respondent shall not be obligated to deposit $200.00 per month into educational trusts for the minor children.

5. The petitioner shall be entitled to claim the youngest child as a dependency exemption for tax purposes; the respondent shall be entitled to claim the older child as a dependency exemption for tax purposes.

6. In all other respects, the Judgment and any other outstanding orders not modified by this order shall remain in full force and effect.

Dated at Milwaukee, Wisconsin this 7th day of June, 1996.

BY THE COURT:

/s/ GARY A GERLACH
HONORABLE GARY A. GERLACH
Circuit Court Judge